

**In re: Puerto Rico Telephone Company, Case AO-245**

26 August 1983

**ADVISORY OPINION**

A petition, with attachments, was filed on 8 February 1983 by Puerto Rico Telephone Company, the Petitioner, for an advisory opinion in conformity with Sections 102.98 and 102.99 of the Board's Rules and Regulations, Series 8, as amended, seeking to determine whether the Board would assert jurisdiction over the parties. On 18 February 1983 the Acting Regional Director for Region 24 of the National Labor Relations Board filed a motion to intervene, with attachment.<sup>1</sup> Subsequently, the Petitioner filed a brief in support of its petition.

In pertinent part, the petition, with attachments and brief, and the motion to intervene, with attachment, allege as follows:

There is pending before the Labor Relations Board of Puerto Rico an unfair labor practice charge, Case-6904, filed by Union Independiente de Empleados Telefonicos, the Union, against the Petitioner. There was also pending before the National Labor Relations Board, Region 24, an unfair labor practice charge, Case 24-CB-1187, filed by the Petitioner against the above-named Union.<sup>2</sup>

<sup>1</sup> The Acting Regional Director's motion to intervene is granted.

<sup>2</sup> The Board has administratively been advised that on 11 March 1983 the unfair labor practice charge was dismissed on the merits.

The motion to intervene sets forth that on 20 February 1975 the Regional Director for Region 24, after a hearing was held and briefs filed in Puerto Rico Telephone Company, Case 24-RC-5524, issued a Decision and Order finding that, by virtue of Law No. 25, Petitioner was a "political subdivision" of the Commonwealth of Puerto Rico and, based upon that finding, dismissed the petition. Thereafter, Petitioner filed a request for review of the decision which was denied by the Board in April 1975.

On the basis of the foregoing, the Board is of the opinion that:

The Board's advisory opinion proceedings "are designed primarily to determine questions of jurisdiction by application of the Board's discretionary standards to the 'commerce' operations of an employer."<sup>3</sup> The basic issue presented herein is whether the Employer is an "employer" within the meaning of Section 2(2) of the Act or excluded therefrom as a "political subdivision" (of the Commonwealth of Puerto Rico). As this issue does not fall within the intendment of the Board's advisory opinion rules, we shall dismiss the petition.<sup>4</sup>

Accordingly, it is ordered that the petition for advisory opinion be dismissed.

<sup>3</sup> *Walker Butler, Presiding Judge, Superior Court of Cook County, Ill. (Upper Lakes Shipping, Ltd.)*, 138 NLRB 221 (1962); *International Air Service, Inc. of San Juan, Puerto Rico*, 165 NLRB 584 (1967).

<sup>4</sup> *Ibid.*